

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESSE CHASE SWARTZ,

Defendant.

**4:20CR3111**

**ORDER**

The defendant moved for release to attend his mother's funeral. (Filing No. 9). A hearing was held today. At the close of the hearing, the court requested additional information on two issues: 1) could the defendant pay his respects during a visitation at the funeral home rather than being out of custody for the length necessary to attend the funeral, graveside service, and any reception with the family; and 2) was the defendant subject to extradition on any of the outstanding arrest warrants pending against him?

The court has now been advised that the funeral home is open until 9:00 p.m. tonight, but as to at least one of the pending warrants, the defendant would be subject to arrest and extradition upon release. The defendant has pleaded guilty and is not facing sentencing. He therefore has the burden of proving by clear and convincing evidence that his release will not pose a risk of nonappearance at future proceedings.

While the court sympathizes with the defendant and is truly sorry for his loss, applying the law to the facts before me—particularly the extent of pending arrest warrants, at least one of which is extraditable—I conclude the defendant's release would pose a risk of nonappearance at sentencing.

Accordingly,

IT IS ORDERED that Defendant's motion for release to attend his mother's funeral, (Filing No. 39), is denied.

Dated this 9th day of July, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge